

# **Exhibit 5**

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

V

SEANPAUL REYES

POLICE OFFICER JONATHAN ORTEGA SAYS THAT ON OR ABOUT JUNE 01, 2023 AT  
APPROXIMATELY 11:15 AM AT 1000 SUTTER AVENUE COUNTY OF KINGS, STATE OF NEW YORK,  
THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 195.05	OBSTRUCTING GOVERNMENTAL ADMINISTRATION IN THE SECOND DEGREE
PL 140.10 (A)	CRIMINAL TRESPASS IN THE THIRD DEGREE
PL 140.05	TRESPASS

IN THAT THE DEFENDANT DID:

KNOWINGLY ENTER OR REMAIN UNLAWFULLY IN OR UPON PREMISES; KNOWINGLY ENTER OR  
REMAIN UNLAWFULLY IN A BUILDING OR UPON REAL PROPERTY WHICH WAS FENCED OR  
OTHERWISE ENCLOSED IN A MANNER DESIGNED TO EXCLUDE INTRUDERS; INTENTIONALLY  
OBSTRUCT, IMPAIR OR PERVERT THE ADMINISTRATION OF LAW OR OTHER GOVERNMENTAL  
FUNCTION OR PREVENT OR ATTEMPT TO PREVENT A PUBLIC SERVANT FROM PERFORMING AN  
OFFICIAL FUNCTION, BY MEANS OF INTIMIDATION, PHYSICAL FORCE OR INTERFERENCE, OR  
BY MEANS OF ANY INDEPENDENTLY UNLAWFUL ACT, OR BY MEANS OF INTERFERING, WHETHER  
OR NOT PHYSICAL FORCE IS INVOLVED, WITH RADIO, TELEPHONE, TELEVISION OR OTHER  
TELECOMMUNICATIONS SYSTEMS OWNED OR OPERATED BY THE STATE, OR A COUNTY, CITY,  
TOWN, VILLAGE, FIRE DISTRICT OR EMERGENCY MEDICAL SERVICE OR BY MEANS OF  
RELEASING A DANGEROUS ANIMAL UNDER CIRCUMSTANCES EVINCING THE DEFENDANT'S INTENT  
THAT THE ANIMAL OBSTRUCT GOVERNMENTAL ADMINISTRATION.


THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE  
AS FOLLOWS:

THE DEPONENT STATES, THAT DEPONENT WAS PERFORMING DEPONENT'S OFFICIAL DUTIES IN  
THAT DEPONENT WAS WORKING INSIDE OF THE 075 COMMAND AND THE DEPONENT OBSERVED  
THE DEFENDANT VIDEO RECORDING WITHIN THE POLICE STATION AND THE DEPONENT ASKED  
THE DEFENDANT TO STOP VIDEO RECORDING WITH THE DEFENDANT'S CELLPHONE, TRIPOD,  
MICROPHONE, AND A SMARTWATCH AND DEFENDANT CONTINUED TO VIDEO RECORD AND REFUSED  
TO COMPLY AND THEN THE DEPONENT ASKED THE DEFENDANT TO LEAVE THE POLICE STATION  
WHEREUPON DEFENDANT STATED IN SUM AND SUBSTANCE, I HAVE A RIGHT TO BE INSIDE AND  
YOU CAN'T KEEP ME OUT AND THEN THE DEPONENT ESCORTED THE DEFENDANT OUT OF THE  
POLICE STATION WHILE THE DEFENDANT PREVENTED THE DOORS FROM CLOSING AND UPON THE  
DEFENDANT EXITING THE POLICE STATION THE DEPONENT TOLD THE DEFENDANT IF THE  
DEFENDANT REENTERS THE POLICE STATION THE DEFENDANT WOULD BE ARRESTED FOR  
TRESPASSING AND SUBSEQUENTLY THE DEFENDANT REENTERED THE POLICE STATION AND  
STARTED TO VIDEO RECORD AND THE DEPONENT ARRESTED THE DEFENDANT.

THE DEPONENT FURTHER STATES THAT THE DEPONENT IS THE CUSTODIAN OF THE ABOVE-  
DESCRIBED DWELLING AND DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY TO ENTER  
OR REMAIN THEREIN.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

6/1/23  
DATE

  
SIGNATURE

Order No:   
YSID No: 11971949K  
JTN No:

At a term of the Kings Criminal Court, County of Kings, at the Courthouse at 120 Schermerhorn St., Brooklyn, NY 11201, State of New York

PRESENT:

PEOPLE OF THE STATE OF NEW YORK

- against -

SEANPAUL REYES,

Defendant

ORDER OF PROTECTION

Non-Family Offense - C.P.L. 530.13<sup>1</sup>

(Not involving victims of domestic violence)

☐ Youthful Offender (check if applicable)

Part:

Case No.:

DOB: 03/28/1991

Charges: PL 140.05 00 V Trespass, PL 140.10 0A BM Crim Trespass 3rd;Enclsd Prop

[Check box]: ☐ Ex Parte ☒ Defendant Present In Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND WILL CONTINUE IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

☒ **TEMPORARY ORDER OF PROTECTION** - Whereas good cause has been shown for the issuance of a temporary order of protection as a condition of: ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal]

☐ **ORDER OF PROTECTION** - Whereas defendant has been convicted of [specify crime or violation]:

And the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

**IT IS HEREBY ORDERED** that the above-named defendant SEANPAUL REYES (DOB: 03/28/1991) observe the following conditions of behavior:

[Check applicable paragraphs and subparagraphs]:

☒ Stay away from ☒ FRANKLYN GUAMAN;

☒ the home of FRANKLYN GUAMAN;

☒ the school of FRANKLYN GUAMAN;

☒ the business of FRANKLYN GUAMAN;

☒ the place of employment of FRANKLYN GUAMAN;

☐ other

☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with FRANKLYN GUAMAN;

☒ Refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of, or designated witnesses of, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named FRANKLYN GUAMAN;

☐ Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s))[specify type(s) and name(s)]:

☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: ANY AND ALL and do not obtain any further guns or other firearms. Such surrender shall take place immediately in no event later than IMMEDIATELY at AT THE LOCAL POLICE PRECINCT;

☒ Specify other conditions defendant must observe for the purposes of protection: NO THIRD PARTY CONTACT;

☒ Specify other conditions defendant must observe for the purposes of protection: Refrain from assault, stalking, harassment, aggression, harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion, unlawful dissemination or publication of intimate image(s) or any criminal offense;

☒ Specify other conditions defendant must observe for the purposes of protection: REFRAIN FROM REMOTELY CONTROLLING OR MONITORING OR OTHERWISE INTERFERING WITH ANY ELECTRONIC DEVICE OR OTHER OBJECT AFFECTING THE HOME, VEHICLE OR PROPERTY OF THE PROTECTED PERSON(S) BY CONNECTION THROUGH ANY MEANS, INCLUDING, BUT NOT LIMITED TO, THE INTERNET, BLUETOOTH, A WIRED OR WIRELESS NETWORK, OR OTHER WIRELESS TECHNOLOGY.;

**IT IS FURTHER ORDERED** that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby ☒ suspended or ☐ revoked (note: final order only), and/or ☒ the Defendant remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes).**NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220**

**IT IS FURTHER ORDERED** that this order of protection shall remain in force until and including 12/29/2023, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court.

DATED: 06/01/2023



JUDGE/JUSTICE

☐ Defendant advised in Court of issuance and contents of Order.

☐ Order to be served by other means [specify]:

☐ Warrant issued for Defendant

☐ Order personally served on Defendant in Court

(Defendant's signature)

☐ ADDITIONAL SERVICE INFORMATION [specify]:

**he Criminal Procedure Law provides** that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special powers shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face the charges authorized by law.

**Federal law requires** that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 USC §§2265, 2266).

**It is a federal crime to:**

travel across state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;

buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military personnel and law enforcement officers but only while they are on duty); and

buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempt of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S.C. §§ 922(g)(8), 922(g)(9), 2261, 2261A, 2262).

<sup>1</sup> Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of family offenses, intimate partners and family and household member and are not entered onto the statewide domestic violence registry. See Exec. L. §221-a(1); CPL §§530.11(1), 530.12(1), 530.13.

Order No: At a term of the Kings Criminal Court, County of Kings, at the Courthouse at 120  
YSID No: 11971949K Schermerhorn St., Brooklyn, NY 11201, State of New York

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Check applicable paragraphs and subparagraphs]:

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☒ the home of JONATHAN ORTEGA;

☒ the school of JONATHAN ORTEGA;

☒ the business of JONATHAN ORTEGA;

☒ the place of employment of JONATHAN ORTEGA;

☐ other

☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with JONATHAN ORTEGA;

☒ Refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of, or designated witnesses of, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named JONATHAN ORTEGA;

☐ Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s))[specify type(s) and name(s)]:

☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: ANY AND ALL and do not obtain any further guns or other firearms. Such surrender shall take place immediately in no event later than IMMEDIATELY at AT THE LOCAL POLICE PRECINCT.;

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I. PLEASE TAKE NOTICE that, pursuant to Criminal Procedure Law §250.20, the District Attorney hereby demands that if the defendant intends to offer a trial defense that at the time of the commission of the crime charged the defendant was at some place or places other than the scene of the crime, and to call witnesses in support of such a defense the defendant must, within eight days of service of the demand, serve upon the people and file a copy thereof with the court, a "notice of alibi," reciting (a) the place or places where the defendant claims to have been at the time in question, and (b) the names, the residential addresses, the places of employment and the addresses thereof of every such alibi witness upon whom the defendant intends to rely.

II. PLEASE TAKE NOTICE that pursuant to CPL article 255, the defendant must make all pre-trial motions generally within forty-five days after arraignment and before commencement of trial. Upon expiration of the applicable period within which defendant must make pre-trial motions, the People will move the court to preclude any pre-trial motions made thereafter.



ERIC GONZALEZ  
*District Attorney*

**OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY**

RENAISSANCE PLAZA at 350 JAY STREET  
BROOKLYN, N.Y. 11201-2908  
(718) 250-2000

THE PEOPLE OF THE STATE OF NEW YORK

- against -

**REYES, SEANPAUL**

**K23627669**

Defendant(s)

**NOTICE PURSUANT  
TO CPL 710.30(1)(a)**

Please take notice that statements in the form noted below were made by the defendant or by a co-defendant a co-defendant to a public servant engaged in law enforcement activity or to a person then acting under the direction of or in cooperation with such a public servant. Please take further notice that the People intend to offer evidence of the below statement(s) of the defendant(s) on the People's direct case at trial of this action. Any recording, transcription, or memorialization of the statements below, if such exist, will be provided pursuant to CPL § 710.30(1)(a) and CPL 245.

**REYES, SEANPAUL**

Form of Statement Oral Date and Time 06/01/20 11:15 Place 75TH Precinct  
To Whom Made JONATHAN ORTEGA, shield:1852, CMD:075 Tape No.  
Substance of above statement:

DEFENDANT STATED IN SUM AND SUBSTANCE, I HAVE A RIGHT TO BE INSIDE AND YOU CAN'T KEEP ME OUT.